

AMENDED IN SENATE AUGUST 20, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1856**

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**Introduced by Assembly Member Ammiano**  
**(Coauthors: Assembly Members Blumenfield and Chesbro)**  
**(Coauthor: Senator Leno)**

February 22, 2012

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An act to amend Sections 1522.41 and 1529.2 of the Health and Safety Code, and to amend Sections 16001.9 and 16003 of the Welfare and Institutions Code, relating to foster care services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1856, as amended, Ammiano. Foster care services: cultural competency.

Existing law, the California Community Care Facilities Act, requires the State Department of Social Services to license and regulate community care facilities, including foster family agencies and other facilities that provide foster care services for children. A violation of community care facility provisions is a misdemeanor. Existing law requires the department to develop, and an administrator of a group home facility to complete, a certification program that includes training in various areas, including the rights of foster children. Existing law requires a foster family agency to provide, and a licensed foster parent to complete, preplacement training and additional annual training in various areas, including the rights of foster children. Existing law also requires a community college district with a foster care education program to make orientation and training available to a relative or nonrelative extended family member caregiver, as specified.

The bill would require the training for an administrator of a group home facility, licensed foster parent, and relative or nonrelative extended family member—~~caregiver~~, *caregiver* to also include instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender (LGBT) youth in out-of-home care.

Existing law provides that it is the policy of the state that foster children have specified rights.

This bill would provide that foster children also have the right to have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to LGBT youth in out-of-home care.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 1522.41 of the Health and Safety Code~~  
2     ~~is amended to read:~~  
3     ~~1522.41. (a) The director, in consultation and collaboration~~  
4     ~~with county placement officials, group home provider~~  
5     ~~organizations, the Director of Mental Health, and the Director of~~  
6     ~~Developmental Services, shall develop and establish a certification~~  
7     ~~program to ensure that administrators of group home facilities~~  
8     ~~have appropriate training to provide the care and services for which~~  
9     ~~a license or certificate is issued.~~  
10    ~~(b) (1) In addition to any other requirements or qualifications~~  
11    ~~required by the department, an administrator of a group home~~  
12    ~~facility shall successfully complete a department-approved~~  
13    ~~certification program, pursuant to subdivision (e), prior to~~  
14    ~~employment. An administrator employed in a group home on the~~  
15    ~~effective date of this section shall meet the requirements of~~  
16    ~~paragraph (2) of subdivision (e).~~  
17    ~~(2) In those cases where the individual is both the licensee and~~  
18    ~~the administrator of a facility, the individual shall comply with all~~  
19    ~~of the licensee and administrator requirements of this section.~~  
20    ~~(3) Failure to comply with this section shall constitute cause for~~  
21    ~~revocation of the license of the facility.~~  
22    ~~(4) The licensee shall notify the department within 10 days of~~  
23    ~~any change in administrators.~~

1     ~~(e) (1) The administrator certification programs shall require~~  
2     ~~a minimum of 40 hours of classroom instruction that provides~~  
3     ~~training on a uniform core of knowledge in each of the following~~  
4     ~~areas:~~

5     ~~(A) Laws, regulations, and policies and procedural standards~~  
6     ~~that impact the operations of the type of facility for which the~~  
7     ~~applicant will be an administrator.~~

8     ~~(B) Business operations.~~

9     ~~(C) Management and supervision of staff.~~

10    ~~(D) Psychosocial and educational needs of the facility residents.~~

11    ~~(E) Community and support services.~~

12    ~~(F) Physical needs for facility residents.~~

13    ~~(G) Administration, storage, misuse, and interaction of~~  
14    ~~medication used by facility residents.~~

15    ~~(H) Resident admission, retention, and assessment procedures,~~  
16    ~~including the right of a foster child to have fair and equal access~~  
17    ~~to all available services, placement, care, treatment, and benefits,~~  
18    ~~and to not be subjected to discrimination or harassment on the~~  
19    ~~basis of actual or perceived race, ethnic group identification,~~  
20    ~~ancestry, national origin, color, religion, sex, sexual orientation,~~  
21    ~~gender identity, mental or physical disability, or HIV status.~~

22    ~~(I) Instruction on cultural competency and sensitivity relating~~  
23    ~~to, and best practices for, providing adequate care to lesbian, gay,~~  
24    ~~bisexual, and transgender youth in out-of-home care.~~

25    ~~(J) Nonviolent emergency intervention and reporting~~  
26    ~~requirements.~~

27    ~~(K) Basic instruction on the existing laws and procedures~~  
28    ~~regarding the safety of foster youth at school and the ensuring of~~  
29    ~~a harassment- and violence-free school environment contained in~~  
30    ~~the School Safety and Violence Prevention Act (Article 3.6~~  
31    ~~(commencing with Section 32228) of Chapter 2 of Part 19 of~~  
32    ~~Division 1 of Title 1 of the Education Code).~~

33    ~~(2) The department shall adopt separate program requirements~~  
34    ~~for initial certification for persons who are employed as group~~  
35    ~~home administrators on the effective date of this section. A person~~  
36    ~~employed as an administrator of a group home facility on the~~  
37    ~~effective date of this section shall obtain a certificate by completing~~  
38    ~~the training and testing requirements imposed by the department~~  
39    ~~within 12 months of the effective date of the regulations~~  
40    ~~implementing this section. After the effective date of this section,~~

1 these administrators shall meet the requirements imposed by the  
2 department on all other group home administrators for certificate  
3 renewal.

4 (3) Individuals applying for certification under this section shall  
5 successfully complete an approved certification program, pass a  
6 written test administered by the department within 60 days of  
7 completing the program, and submit to the department the  
8 documentation required by subdivision (d) within 30 days after  
9 being notified of having passed the test. The department may  
10 extend these time deadlines for good cause. The department shall  
11 notify the applicant of his or her test results within 30 days of  
12 administering the test.

13 (d) The department shall not begin the process of issuing a  
14 certificate until receipt of all of the following:

15 (1) A certificate of completion of the administrator training  
16 required pursuant to this chapter.

17 (2) The fee required for issuance of the certificate. A fee of one  
18 hundred dollars (\$100) shall be charged by the department to cover  
19 the costs of processing the application for certification.

20 (3) Documentation from the applicant that he or she has passed  
21 the written test.

22 (4) Submission of fingerprints pursuant to Section 1522. The  
23 department may waive the submission for those persons who have  
24 a current clearance on file.

25 (5) That person is at least 21 years of age.

26 (e) It shall be unlawful for any person not certified under this  
27 section to hold himself or herself out as a certified administrator  
28 of a group home facility. Any person willfully making any false  
29 representation as being a certified administrator or facility manager  
30 is guilty of a misdemeanor.

31 (f) (1) Certificates issued under this section shall be renewed  
32 every two years and renewal shall be conditional upon the  
33 certificate holder submitting documentation of completion of 40  
34 hours of continuing education related to the core of knowledge  
35 specified in subdivision (e). No more than one-half of the required  
36 40 hours of continuing education necessary to renew the certificate  
37 may be satisfied through online courses. All other continuing  
38 education hours shall be completed in a classroom setting. For  
39 purposes of this section, an individual who is a group home facility  
40 administrator and who is required to complete the continuing

1 education hours required by the regulations of the State Department  
2 of Developmental Services, and approved by the regional center,  
3 may have up to 24 of the required continuing education course  
4 hours credited toward the 40-hour continuing education  
5 requirement of this section. Community college course hours  
6 approved by the regional centers shall be accepted by the  
7 department for certification.

8 (2) Every administrator of a group home facility shall complete  
9 the continuing education requirements of this subdivision.

10 (3) Certificates issued under this section shall expire every two  
11 years on the anniversary date of the initial issuance of the  
12 certificate, except that any administrator receiving his or her initial  
13 certification on or after July 1, 1999, shall make an irrevocable  
14 election to have his or her recertification date for any subsequent  
15 recertification either on the date two years from the date of issuance  
16 of the certificate or on the individual's birthday during the second  
17 calendar year following certification. The department shall send  
18 a renewal notice to the certificate holder 90 days prior to the  
19 expiration date of the certificate. If the certificate is not renewed  
20 prior to its expiration date, reinstatement shall only be permitted  
21 after the certificate holder has paid a delinquency fee equal to three  
22 times the renewal fee and has provided evidence of completion of  
23 the continuing education required.

24 (4) To renew a certificate, the certificate holder shall, on or  
25 before the certificate expiration date, request renewal by submitting  
26 to the department documentation of completion of the required  
27 continuing education courses and pay the renewal fee of one  
28 hundred dollars (\$100), irrespective of receipt of the department's  
29 notification of the renewal. A renewal request postmarked on or  
30 before the expiration of the certificate shall be proof of compliance  
31 with this paragraph.

32 (5) A suspended or revoked certificate shall be subject to  
33 expiration as provided for in this section. If reinstatement of the  
34 certificate is approved by the department, the certificate holder,  
35 as a condition precedent to reinstatement, shall submit proof of  
36 compliance with paragraphs (1) and (2) of subdivision (f), and  
37 shall pay a fee in an amount equal to the renewal fee, plus the  
38 delinquency fee, if any, accrued at the time of its revocation or  
39 suspension. Delinquency fees, if any, accrued subsequent to the  
40 time of its revocation or suspension and prior to an order for

1 reinstatement, shall be waived for a period of 12 months to allow  
2 the individual sufficient time to complete the required continuing  
3 education units and to submit the required documentation.  
4 Individuals whose certificates will expire within 90 days after the  
5 order for reinstatement may be granted a three-month extension  
6 to renew their certificates during which time the delinquency fees  
7 shall not accrue.

8 (6) A certificate that is not renewed within four years after its  
9 expiration shall not be renewed, restored, reissued, or reinstated  
10 except upon completion of a certification training program, passing  
11 any test that may be required of an applicant for a new certificate  
12 at that time, and paying the appropriate fees provided for in this  
13 section.

14 (7) A fee of twenty-five dollars (\$25) shall be charged for the  
15 reissuance of a lost certificate.

16 (8) A certificate holder shall inform the department of his or  
17 her employment status and change of mailing address within 30  
18 days of any change.

19 (g) Unless otherwise ordered by the department, the certificate  
20 shall be considered forfeited under either of the following  
21 conditions:

22 (1) The department has revoked any license held by the  
23 administrator after the department issued the certificate.

24 (2) The department has issued an exclusion order against the  
25 administrator pursuant to Section 1558, 1568.092, 1569.58, or  
26 1596.8897, after the department issued the certificate, and the  
27 administrator did not appeal the exclusion order or, after the appeal,  
28 the department issued a decision and order that upheld the  
29 exclusion order.

30 (h) (1) The department, in consultation and collaboration with  
31 county placement officials, provider organizations, the State  
32 Department of Mental Health, and the State Department of  
33 Developmental Services, shall establish, by regulation, the program  
34 content, the testing instrument, the process for approving  
35 certification training programs, and criteria to be used in  
36 authorizing individuals, organizations, or educational institutions  
37 to conduct certification training programs and continuing education  
38 courses. The department may also grant continuing education hours  
39 for continuing courses offered by accredited educational institutions  
40 that are consistent with the requirements in this section. The

1 department may deny vendor approval to any agency or person in  
2 any of the following circumstances:

3 (A) The applicant has not provided the department with evidence  
4 satisfactory to the department of the ability of the applicant to  
5 satisfy the requirements of vendorization set out in the regulations  
6 adopted by the department pursuant to subdivision (j).

7 (B) The applicant person or agency has a conflict of interest in  
8 that the person or agency places its clients in group home facilities.

9 (C) The applicant public or private agency has a conflict of  
10 interest in that the agency is mandated to place clients in group  
11 homes and to pay directly for the services. The department may  
12 deny vendorization to this type of agency only as long as there are  
13 other vendor programs available to conduct the certification  
14 training programs and conduct education courses.

15 (2) The department may authorize vendors to conduct the  
16 administrator's certification training program pursuant to this  
17 section. The department shall conduct the written test pursuant to  
18 regulations adopted by the department.

19 (3) The department shall prepare and maintain an updated list  
20 of approved training vendors.

21 (4) The department may inspect certification training programs  
22 and continuing education courses, including online courses, at no  
23 charge to the department, to determine if content and teaching  
24 methods comply with regulations. If the department determines  
25 that any vendor is not complying with the requirements of this  
26 section, the department shall take appropriate action to bring the  
27 program into compliance, which may include removing the vendor  
28 from the approved list.

29 (5) The department shall establish reasonable procedures and  
30 timeframes not to exceed 30 days for the approval of vendor  
31 training programs.

32 (6) The department may charge a reasonable fee, not to exceed  
33 one hundred fifty dollars (\$150) every two years, to certification  
34 program vendors for review and approval of the initial 40-hour  
35 training program pursuant to subdivision (c). The department may  
36 also charge the vendor a fee, not to exceed one hundred dollars  
37 (\$100) every two years, for the review and approval of the  
38 continuing education courses needed for recertification pursuant  
39 to this subdivision.

1     ~~(7) (A) A vendor of online programs for continuing education~~  
2     ~~shall ensure that each online course contains all of the following:~~

3     ~~(i) An interactive portion in which the participant receives~~  
4     ~~feedback, through online communication, based on input from the~~  
5     ~~participant.~~

6     ~~(ii) Required use of a personal identification number or personal~~  
7     ~~identification information to confirm the identity of the participant.~~

8     ~~(iii) A final screen displaying a printable statement, to be signed~~  
9     ~~by the participant, certifying that the identified participant~~  
10    ~~completed the course. The vendor shall obtain a copy of the final~~  
11    ~~screen statement with the original signature of the participant prior~~  
12    ~~to the issuance of a certificate of completion. The signed statement~~  
13    ~~of completion shall be maintained by the vendor for a period of~~  
14    ~~three years and be available to the department upon demand. Any~~  
15    ~~person who certifies as true any material matter pursuant to this~~  
16    ~~clause that he or she knows to be false is guilty of a misdemeanor.~~

17    ~~(B) Nothing in this subdivision shall prohibit the department~~  
18    ~~from approving online programs for continuing education that do~~  
19    ~~not meet the requirements of subparagraph (A) if the vendor~~  
20    ~~demonstrates to the department's satisfaction that, through~~  
21    ~~advanced technology, the course and the course delivery meet the~~  
22    ~~requirements of this section.~~

23    ~~(i) The department shall establish a registry for holders of~~  
24    ~~certificates that shall include, at a minimum, information on~~  
25    ~~employment status and criminal record clearance.~~

26    ~~(j) Subdivisions (b) to (i), inclusive, shall be implemented upon~~  
27    ~~regulations being adopted by the department, by January 1, 2000.~~

28    ~~(k) Notwithstanding any provision of law to the contrary,~~  
29    ~~vendors approved by the department who exclusively provide~~  
30    ~~either initial or continuing education courses for certification of~~  
31    ~~administrators of a group home facility as defined by regulations~~  
32    ~~of the department, an adult residential facility as defined by~~  
33    ~~regulations of the department, or a residential care facility for the~~  
34    ~~elderly as defined in subdivision (k) of Section 1569.2, shall be~~  
35    ~~regulated solely by the department pursuant to this chapter. No~~  
36    ~~other state or local governmental entity shall be responsible for~~  
37    ~~regulating the activity of those vendors.~~

38    ~~SECTION 1. Section 1522.41 of the Health and Safety Code~~  
39    ~~is amended to read:~~



1 1522.41. (a) The director, in consultation and collaboration  
2 with county placement officials, group home provider  
3 organizations, the Director of Health Care Services, and the  
4 Director of Developmental Services, shall develop and establish  
5 a certification program to ensure that administrators of group home  
6 facilities have appropriate training to provide the care and services  
7 for which a license or certificate is issued.

8 (b) (1) In addition to any other requirements or qualifications  
9 required by the department, an administrator of a group home  
10 facility shall successfully complete a department-approved  
11 certification program, pursuant to subdivision (c), prior to  
12 employment. An administrator employed in a group home on the  
13 effective date of this section shall meet the requirements of  
14 paragraph (2) of subdivision (c).

15 (2) In those cases where the individual is both the licensee and  
16 the administrator of a facility, the individual shall comply with all  
17 of the licensee and administrator requirements of this section.

18 (3) Failure to comply with this section shall constitute cause for  
19 revocation of the license of the facility.

20 (4) The licensee shall notify the department within 10 days of  
21 any change in administrators.

22 (c) (1) The administrator certification programs shall require  
23 a minimum of 40 hours of classroom instruction that provides  
24 training on a uniform core of knowledge in each of the following  
25 areas:

26 (A) Laws, regulations, and policies and procedural standards  
27 that impact the operations of the type of facility for which the  
28 applicant will be an administrator.

29 (B) Business operations.

30 (C) Management and supervision of staff.

31 (D) Psychosocial and educational needs of the facility residents.

32 (E) Community and support services.

33 (F) Physical needs for facility residents.

34 (G) Administration, storage, misuse, and interaction of  
35 medication used by facility residents.

36 (H) Resident admission, retention, and assessment procedures,  
37 including the right of a foster child to have fair and equal access  
38 to all available services, placement, care, treatment, and benefits,  
39 and to not be subjected to discrimination or harassment on the  
40 basis of actual or perceived race, ethnic group identification,

1 ancestry, national origin, color, religion, sex, sexual orientation,  
2 gender identity, mental or physical disability, or HIV status.

3 *(I) Instruction on cultural competency and sensitivity relating*  
4 *to, and best practices for, providing adequate care to lesbian, gay,*  
5 *bisexual, and transgender youth in out-of-home care.*

6 ~~(H)~~

7 *(J) Nonviolent emergency intervention and reporting*  
8 *requirements.*

9 ~~(J)~~

10 *(K) Basic instruction on the existing laws and procedures*  
11 *regarding the safety of foster youth at school and the ensuring of*  
12 *a harassment- and violence-free school environment contained in*  
13 *the School Safety and Violence Prevention Act (Article 3.6*  
14 *(commencing with Section 32228) of Chapter 2 of Part 19 of*  
15 *Division 1 of Title 1 of the Education Code).*

16 (2) The department shall adopt separate program requirements  
17 for initial certification for persons who are employed as group  
18 home administrators on the effective date of this section. A person  
19 employed as an administrator of a group home facility on the  
20 effective date of this section shall obtain a certificate by completing  
21 the training and testing requirements imposed by the department  
22 within 12 months of the effective date of the regulations  
23 implementing this section. After the effective date of this section,  
24 these administrators shall meet the requirements imposed by the  
25 department on all other group home administrators for certificate  
26 renewal.

27 (3) Individuals applying for certification under this section shall  
28 successfully complete an approved certification program, pass a  
29 written test administered by the department within 60 days of  
30 completing the program, and submit to the department the  
31 documentation required by subdivision (d) within 30 days after  
32 being notified of having passed the test. The department may  
33 extend these time deadlines for good cause. The department shall  
34 notify the applicant of his or her test results within 30 days of  
35 administering the test.

36 (d) The department shall not begin the process of issuing a  
37 certificate until receipt of all of the following:

38 (1) A certificate of completion of the administrator training  
39 required pursuant to this chapter.

1 (2) The fee required for issuance of the certificate. A fee of one  
2 hundred dollars (\$100) shall be charged by the department to cover  
3 the costs of processing the application for certification.

4 (3) Documentation from the applicant that he or she has passed  
5 the written test.

6 (4) Submission of fingerprints pursuant to Section 1522. The  
7 department may waive the submission for those persons who have  
8 a current clearance on file.

9 (5) That person is at least 21 years of age.

10 (e) It shall be unlawful for any person not certified under this  
11 section to hold himself or herself out as a certified administrator  
12 of a group home facility. Any person willfully making any false  
13 representation as being a certified administrator or facility manager  
14 is guilty of a misdemeanor.

15 (f) (1) Certificates issued under this section shall be renewed  
16 every two years and renewal shall be conditional upon the  
17 certificate holder submitting documentation of completion of 40  
18 hours of continuing education related to the core of knowledge  
19 specified in subdivision (c). No more than one-half of the required  
20 40 hours of continuing education necessary to renew the certificate  
21 may be satisfied through online courses. All other continuing  
22 education hours shall be completed in a classroom setting. For  
23 purposes of this section, an individual who is a group home facility  
24 administrator and who is required to complete the continuing  
25 education hours required by the regulations of the State Department  
26 of Developmental Services, and approved by the regional center,  
27 may have up to 24 of the required continuing education course  
28 hours credited toward the 40-hour continuing education  
29 requirement of this section. Community college course hours  
30 approved by the regional centers shall be accepted by the  
31 department for certification.

32 (2) Every administrator of a group home facility shall complete  
33 the continuing education requirements of this subdivision.

34 (3) Certificates issued under this section shall expire every two  
35 years on the anniversary date of the initial issuance of the  
36 certificate, except that any administrator receiving his or her initial  
37 certification on or after July 1, 1999, shall make an irrevocable  
38 election to have his or her recertification date for any subsequent  
39 recertification either on the date two years from the date of issuance  
40 of the certificate or on the individual's birthday during the second

1 calendar year following certification. The department shall send  
2 a renewal notice to the certificate holder 90 days prior to the  
3 expiration date of the certificate. If the certificate is not renewed  
4 prior to its expiration date, reinstatement shall only be permitted  
5 after the certificate holder has paid a delinquency fee equal to three  
6 times the renewal fee and has provided evidence of completion of  
7 the continuing education required.

8 (4) To renew a certificate, the certificate holder shall, on or  
9 before the certificate expiration date, request renewal by submitting  
10 to the department documentation of completion of the required  
11 continuing education courses and pay the renewal fee of one  
12 hundred dollars (\$100), irrespective of receipt of the department's  
13 notification of the renewal. A renewal request postmarked on or  
14 before the expiration of the certificate shall be proof of compliance  
15 with this paragraph.

16 (5) A suspended or revoked certificate shall be subject to  
17 expiration as provided for in this section. If reinstatement of the  
18 certificate is approved by the department, the certificate holder,  
19 as a condition precedent to reinstatement, shall submit proof of  
20 compliance with paragraphs (1) and (2) of subdivision (f), and  
21 shall pay a fee in an amount equal to the renewal fee, plus the  
22 delinquency fee, if any, accrued at the time of its revocation or  
23 suspension. Delinquency fees, if any, accrued subsequent to the  
24 time of its revocation or suspension and prior to an order for  
25 reinstatement, shall be waived for a period of 12 months to allow  
26 the individual sufficient time to complete the required continuing  
27 education units and to submit the required documentation.  
28 Individuals whose certificates will expire within 90 days after the  
29 order for reinstatement may be granted a three-month extension  
30 to renew their certificates during which time the delinquency fees  
31 shall not accrue.

32 (6) A certificate that is not renewed within four years after its  
33 expiration shall not be renewed, restored, reissued, or reinstated  
34 except upon completion of a certification training program, passing  
35 any test that may be required of an applicant for a new certificate  
36 at that time, and paying the appropriate fees provided for in this  
37 section.

38 (7) A fee of twenty-five dollars (\$25) shall be charged for the  
39 reissuance of a lost certificate.

1 (8) A certificate holder shall inform the department of his or  
2 her employment status and change of mailing address within 30  
3 days of any change.

4 (g) Unless otherwise ordered by the department, the certificate  
5 shall be considered forfeited under either of the following  
6 conditions:

7 (1) The department has revoked any license held by the  
8 administrator after the department issued the certificate.

9 (2) The department has issued an exclusion order against the  
10 administrator pursuant to Section 1558, 1568.092, 1569.58, or  
11 1596.8897, after the department issued the certificate, and the  
12 administrator did not appeal the exclusion order or, after the appeal,  
13 the department issued a decision and order that upheld the  
14 exclusion order.

15 (h) (1) The department, in consultation and collaboration with  
16 county placement officials, provider organizations, the State  
17 Department of Health Care Services, and the State Department of  
18 Developmental Services, shall establish, by regulation, the program  
19 content, the testing instrument, the process for approving  
20 certification training programs, and criteria to be used in  
21 authorizing individuals, organizations, or educational institutions  
22 to conduct certification training programs and continuing education  
23 courses. The department may also grant continuing education hours  
24 for continuing courses offered by accredited educational institutions  
25 that are consistent with the requirements in this section. The  
26 department may deny vendor approval to any agency or person in  
27 any of the following circumstances:

28 (A) The applicant has not provided the department with evidence  
29 satisfactory to the department of the ability of the applicant to  
30 satisfy the requirements of vendorization set out in the regulations  
31 adopted by the department pursuant to subdivision (j).

32 (B) The applicant person or agency has a conflict of interest in  
33 that the person or agency places its clients in group home facilities.

34 (C) The applicant public or private agency has a conflict of  
35 interest in that the agency is mandated to place clients in group  
36 homes and to pay directly for the services. The department may  
37 deny vendorization to this type of agency only as long as there are  
38 other vendor programs available to conduct the certification  
39 training programs and conduct education courses.

1 (2) The department may authorize vendors to conduct the  
2 administrator's certification training program pursuant to this  
3 section. The department shall conduct the written test pursuant to  
4 regulations adopted by the department.

5 (3) The department shall prepare and maintain an updated list  
6 of approved training vendors.

7 (4) The department may inspect certification training programs  
8 and continuing education courses, including online courses, at no  
9 charge to the department, to determine if content and teaching  
10 methods comply with regulations. If the department determines  
11 that any vendor is not complying with the requirements of this  
12 section, the department shall take appropriate action to bring the  
13 program into compliance, which may include removing the vendor  
14 from the approved list.

15 (5) The department shall establish reasonable procedures and  
16 timeframes not to exceed 30 days for the approval of vendor  
17 training programs.

18 (6) The department may charge a reasonable fee, not to exceed  
19 one hundred fifty dollars (\$150) every two years, to certification  
20 program vendors for review and approval of the initial 40-hour  
21 training program pursuant to subdivision (c). The department may  
22 also charge the vendor a fee, not to exceed one hundred dollars  
23 (\$100) every two years, for the review and approval of the  
24 continuing education courses needed for recertification pursuant  
25 to this subdivision.

26 (7) (A) A vendor of online programs for continuing education  
27 shall ensure that each online course contains all of the following:

28 (i) An interactive portion in which the participant receives  
29 feedback, through online communication, based on input from the  
30 participant.

31 (ii) Required use of a personal identification number or personal  
32 identification information to confirm the identity of the participant.

33 (iii) A final screen displaying a printable statement, to be signed  
34 by the participant, certifying that the identified participant  
35 completed the course. The vendor shall obtain a copy of the final  
36 screen statement with the original signature of the participant prior  
37 to the issuance of a certificate of completion. The signed statement  
38 of completion shall be maintained by the vendor for a period of  
39 three years and be available to the department upon demand. Any

1 person who certifies as true any material matter pursuant to this  
2 clause that he or she knows to be false is guilty of a misdemeanor.

3 (B) Nothing in this subdivision shall prohibit the department  
4 from approving online programs for continuing education that do  
5 not meet the requirements of subparagraph (A) if the vendor  
6 demonstrates to the department's satisfaction that, through  
7 advanced technology, the course and the course delivery meet the  
8 requirements of this section.

9 (i) The department shall establish a registry for holders of  
10 certificates that shall include, at a minimum, information on  
11 employment status and criminal record clearance.

12 (j) Subdivisions (b) to (i), inclusive, shall be implemented upon  
13 regulations being adopted by the department, by January 1, 2000.

14 (k) Notwithstanding any provision of law to the contrary,  
15 vendors approved by the department who exclusively provide  
16 either initial or continuing education courses for certification of  
17 administrators of a group home facility as defined by regulations  
18 of the department, an adult residential facility as defined by  
19 regulations of the department, or a residential care facility for the  
20 elderly as defined in subdivision (k) of Section 1569.2, shall be  
21 regulated solely by the department pursuant to this chapter. No  
22 other state or local governmental entity shall be responsible for  
23 regulating the activity of those vendors.

24 SEC. 2. Section 1529.2 of the Health and Safety Code is  
25 amended to read:

26 1529.2. (a) In addition to the foster parent training provided  
27 by community colleges, foster family agencies shall provide a  
28 program of training for their certified foster families.

29 (b) (1) Every licensed foster parent shall complete a minimum  
30 of 12 hours of foster parent training, as prescribed in paragraph  
31 (3), before the placement of any foster children with the foster  
32 parent. In addition, a foster parent shall complete a minimum of  
33 eight hours of foster parent training annually, as prescribed in  
34 paragraph (4). No child shall be placed in a foster family home  
35 unless these requirements are met by the persons in the home who  
36 are serving as the foster parents.

37 (2) (A) Upon the request of the foster parent for a hardship  
38 waiver from the postplacement training requirement or a request  
39 for an extension of the deadline, the county may, at its option, on  
40 a case-by-case basis, waive the postplacement training requirement

1 or extend any established deadline for a period not to exceed one  
2 year, if the postplacement training requirement presents a severe  
3 and unavoidable obstacle to continuing as a foster parent. Obstacles  
4 for which a county may grant a hardship waiver or extension are:

- 5 (i) Lack of access to training due to the cost or travel required.
- 6 (ii) Family emergency.

7 (B) Before a waiver or extension may be granted, the foster  
8 parent should explore the opportunity of receiving training by  
9 video or written materials.

10 (3) The initial preplacement training shall include, but not be  
11 limited to, training courses that cover all of the following:

- 12 (A) An overview of the child protective system.
- 13 (B) The effects of child abuse and neglect on child development.
- 14 (C) Positive discipline and the importance of self-esteem.
- 15 (D) Health issues in foster care.
- 16 (E) Accessing education and health services available to foster  
17 children.

18 (F) The right of a foster child to have fair and equal access to  
19 all available services, placement, care, treatment, and benefits, and  
20 to not be subjected to discrimination or harassment on the basis  
21 of actual or perceived race, ethnic group identification, ancestry,  
22 national origin, color, religion, sex, sexual orientation, gender  
23 identity, mental or physical disability, or HIV status.

24 (G) Instruction on cultural competency and sensitivity relating  
25 to, and best practices for, providing adequate care to lesbian, gay,  
26 bisexual, and transgender youth in out-of-home care.

27 (H) Basic instruction on the existing laws and procedures  
28 regarding the safety of foster youth at school and the ensuring of  
29 a harassment and violence free school environment contained in  
30 the California Student Safety and Violence Prevention Act of 2000  
31 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
32 Part 19 of Division 1 of Title 1 of the Education Code).

33 (4) The postplacement annual training shall include, but not be  
34 limited to, training courses that cover all of the following:

- 35 (A) Age-appropriate child development.
- 36 (B) Health issues in foster care.
- 37 (C) Positive discipline and the importance of self-esteem.
- 38 (D) Emancipation and independent living skills if a foster parent  
39 is caring for youth.



1 (E) The right of a foster child to have fair and equal access to  
2 all available services, placement, care, treatment, and benefits, and  
3 to not be subjected to discrimination or harassment on the basis  
4 of actual or perceived race, ethnic group identification, ancestry,  
5 national origin, color, religion, sex, sexual orientation, gender  
6 identity, mental or physical disability, or HIV status.

7 (F) Instruction on cultural competency and sensitivity relating  
8 to, and best practices for, providing adequate care to lesbian, gay,  
9 bisexual, and transgender youth in out-of-home care.

10 (5) Foster parent training may be attained through a variety of  
11 sources, including community colleges, counties, hospitals, foster  
12 parent associations, the California State Foster Parent Association's  
13 Conference, adult schools, and certified foster parent instructors.

14 (6) A candidate for placement of foster children shall submit a  
15 certificate of training to document completion of the training  
16 requirements. The certificate shall be submitted with the initial  
17 consideration for placements and provided at the time of the annual  
18 visit by the licensing agency thereafter.

19 (c) Nothing in this section shall preclude a county from requiring  
20 county-provided preplacement or postplacement foster parent  
21 training in excess of the requirements in this section.

22 SEC. 3. Section 16001.9 of the Welfare and Institutions Code  
23 is amended to read:

24 16001.9. (a) It is the policy of the state that all children in  
25 foster care shall have the following rights:

26 (1) To live in a safe, healthy, and comfortable home where he  
27 or she is treated with respect.

28 (2) To be free from physical, sexual, emotional, or other abuse,  
29 or corporal punishment.

30 (3) To receive adequate and healthy food, adequate clothing,  
31 and, for youth in group homes, an allowance.

32 (4) To receive medical, dental, vision, and mental health  
33 services.

34 (5) To be free of the administration of medication or chemical  
35 substances, unless authorized by a physician.

36 (6) To contact family members, unless prohibited by court order,  
37 and social workers, attorneys, foster youth advocates and  
38 supporters, Court Appointed Special Advocates (CASAs), and  
39 probation officers.

- 1 (7) To visit and contact brothers and sisters, unless prohibited  
2 by court order.
- 3 (8) To contact the Community Care Licensing Division of the  
4 State Department of Social Services or the State Foster Care  
5 Ombudsperson regarding violations of rights, to speak to  
6 representatives of these offices confidentially, and to be free from  
7 threats or punishment for making complaints.
- 8 (9) To make and receive confidential telephone calls and send  
9 and receive unopened mail, unless prohibited by court order.
- 10 (10) To attend religious services and activities of his or her  
11 choice.
- 12 (11) To maintain an emancipation bank account and manage  
13 personal income, consistent with the child's age and developmental  
14 level, unless prohibited by the case plan.
- 15 (12) To not be locked in a room, building, or facility premises,  
16 unless placed in a community treatment facility.
- 17 (13) To attend school and participate in extracurricular, cultural,  
18 and personal enrichment activities, consistent with the child's age  
19 and developmental ~~level~~ *level*, with minimal disruptions to school  
20 attendance and educational stability.
- 21 (14) To work and develop job skills at an age-appropriate level,  
22 consistent with state law.
- 23 (15) To have social contacts with people outside of the foster  
24 care system, such as teachers, church members, mentors, and  
25 friends.
- 26 (16) To attend Independent Living Program classes and activities  
27 if he or she meets age requirements.
- 28 (17) To attend court hearings and speak to the judge.
- 29 (18) To have storage space for private use.
- 30 (19) To be involved in the development of his or her own case  
31 plan and plan for permanent placement.
- 32 (20) To review his or her own case plan and plan for permanent  
33 placement, if he or she is 12 years of age or older and in a  
34 permanent placement, and to receive information about his or her  
35 out-of-home placement and case plan, including being told of  
36 changes to the plan.
- 37 (21) To be free from unreasonable searches of personal  
38 belongings.
- 39 (22) To *the* confidentiality of all juvenile court records consistent  
40 with existing law.

1 (23) To have fair and equal access to all available services,  
2 placement, care, treatment, and benefits, and to not be subjected  
3 to discrimination or harassment on the basis of actual or perceived  
4 race, ethnic group identification, ancestry, national origin, color,  
5 religion, sex, sexual orientation, gender identity, mental or physical  
6 disability, or HIV status.

7 (24) To have caregivers and child welfare personnel who have  
8 received instruction on cultural competency and sensitivity relating  
9 to, and best practices for, providing adequate care to lesbian, gay,  
10 bisexual, and transgender youth in out-of-home care.

11 (25) At 16 years of age or older, to have access to existing  
12 information regarding the educational options available, including,  
13 but not limited to, the coursework necessary for vocational and  
14 postsecondary educational programs, and information regarding  
15 financial aid for postsecondary education.

16 (b) Nothing in this section shall be interpreted to require a foster  
17 care provider to take any action that would impair the health and  
18 safety of children in out-of-home placement.

19 (c) The State Department of Social Services and each county  
20 welfare department are encouraged to work with the Student Aid  
21 Commission, the University of California, the California State  
22 University, and the California Community Colleges to receive  
23 information pursuant to paragraph (23) of subdivision (a).

24 SEC. 4. Section 16003 of the Welfare and Institutions Code is  
25 amended to read:

26 16003. (a) In order to promote the successful implementation  
27 of the statutory preference for foster care placement with a relative  
28 caretaker as set forth in Section 7950 of the Family Code, each  
29 community college district with a foster care education program  
30 shall make available orientation and training to the relative or  
31 nonrelative extended family member caregiver into whose care  
32 the county has placed a foster child pursuant to Section 1529.2 of  
33 the Health and Safety Code, including, but not limited to, courses  
34 that cover the following:

35 (1) The role, rights, and responsibilities of a relative or  
36 nonrelative extended family member caregiver caring for a child  
37 in foster care, including the right of a foster child to have fair and  
38 equal access to all available services, placement, care, treatment,  
39 and benefits, and to not be subjected to discrimination or  
40 harassment on the basis of actual or perceived race, ethnic group

1 identification, ancestry, national origin, color, religion, sex, sexual  
2 orientation, gender identity, mental or physical disability, or HIV  
3 status.

4 (2) An overview of the child protective system.

5 (3) The effects of child abuse and neglect on child development.

6 (4) Positive discipline and the importance of self-esteem.

7 (5) Health issues in foster care.

8 (6) Accessing education and health services that are available  
9 to foster children.

10 (7) Relationship and safety issues regarding contact with one  
11 or both of the birth parents.

12 (8) Permanency options for relative or nonrelative extended  
13 family member caregivers, including legal guardianship, the  
14 Kinship Guardianship Assistance Payment Program, and kin  
15 adoption.

16 (9) Information on resources available for those who meet  
17 eligibility criteria, including out-of-home care payments, the  
18 Medi-Cal program, in-home supportive services, and other similar  
19 resources.

20 (10) Instruction on cultural competency and sensitivity relating  
21 to, and best practices for, providing adequate care to lesbian, gay,  
22 bisexual, and transgender youth in out-of-home care.

23 (11) Basic instruction on the existing laws and procedures  
24 regarding the safety of foster youth at school and the ensuring of  
25 a harassment and violence free school environment contained in  
26 the California Student Safety and Violence Prevention Act of 2000  
27 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
28 Part 19 of Division 1 of Title 1 of the Education Code).

29 (b) In addition to training made available pursuant to subdivision  
30 (a), each community college district with a foster care education  
31 program shall make training available to a relative or nonrelative  
32 extended family member caregiver that includes, but need not be  
33 limited to, courses that cover all of the following:

34 (1) Age-appropriate child development.

35 (2) Health issues in foster care.

36 (3) Positive discipline and the importance of self-esteem.

37 (4) Emancipation and independent living.

38 (5) Accessing education and health services available to foster  
39 children.

1 (6) Relationship and safety issues regarding contact with one  
2 or both of the birth parents.

3 (7) Permanency options for relative or nonrelative extended  
4 family member caregivers, including legal guardianship, the  
5 Kinship Guardianship Assistance Payment Program, and kin  
6 adoption.

7 (8) Basic instruction on the existing laws and procedures  
8 regarding the safety of foster youth at school and the ensuring of  
9 a harassment and violence free school environment contained in  
10 the California Student Safety and Violence Prevention Act of 2000  
11 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
12 Part 19 of Division 1 of Title 1 of the Education Code).

13 (c) In addition to the requirements of subdivisions (a) and (b),  
14 each community college district with a foster care education  
15 program, in providing the orientation program, shall develop  
16 appropriate program parameters in collaboration with the counties.

17 (d) Each community college district with a foster care education  
18 program shall make every attempt to make the training and  
19 orientation programs for relative or nonrelative extended family  
20 member caregivers highly accessible in the communities in which  
21 they reside.

22 (e) When a child is placed with a relative or nonrelative extended  
23 family member caregiver, the county shall inform the caregiver  
24 of the availability of training and orientation programs and it is  
25 the intent of the Legislature that the county shall forward the names  
26 and addresses of relative or nonrelative extended family member  
27 caregivers to the appropriate community colleges providing the  
28 training and orientation programs.

29 (f) This section shall not be construed to preclude counties from  
30 developing or expanding existing training and orientation programs  
31 for foster care providers to include relative or nonrelative extended  
32 family member caregivers.